IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 132 OF 2005

Bajrang Tanaji Apshinge. ... Appellant.

V/s

Rangram Dhondiram Chavan
and others. ... Respondent.

Mr.R.V.Govilkar for the appellant.

CORAM: A.S. OKA, J.

DATE: 1st March, 2005.

P.C. :

. Heard Shri Govilkar, learned counsel for the Appellant.

2. The challenge in this Appeal from Order is to the order of temporary injunction dated 6th December, 2003 passed by the learned Additional District Judge, Karad in Application for condonation of delay filed by the Respondent No.1 herein. The said Application for condonation of delay is in filing Appeal against the decree of dismissal passed by the trial Judge in the suit filed by the Respondent No.1.

3. Shri Govilkar submitted that in an Application for condonation of delay the order impugned could not have been passed. He stated that the Application for

condonation of delay is still pending.

4. The order of temporary injunction is operating against the Appellant from 6th December, 2003. Therefore, instead of keeping the Appeal pending in this Court the Appellate Court can be directed to decide the Application for condonation of delay expeditiously.

5. Hence the Appeal is disposed of with no order as to costs with direction that the Misc.Civil Application No.48 of 2003 (Delay Condonation Application) shall be decided by the Appellate Court as expeditiously as possible and in any event on or before 31th August 2005.

6. The parties and the concerned Court to act on an authenticated copy of this order.

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